

BENJAMIN FURLY,

"AN ENGLISH MERCHANT AT ROTTERDAM,"

WHO PROMOTED

THE FIRST GERMAN EMIGRATION

TO

AMERICA.

BY

JULIUS FRIEDRICH SACHSE.

REPRINTED FROM THE PENNSYLVANIA MAGAZINE OF HISTORY
AND BIOGRAPHY, OCTOBER, 1895.

F 152

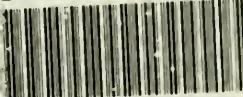
.F95

Copy 1

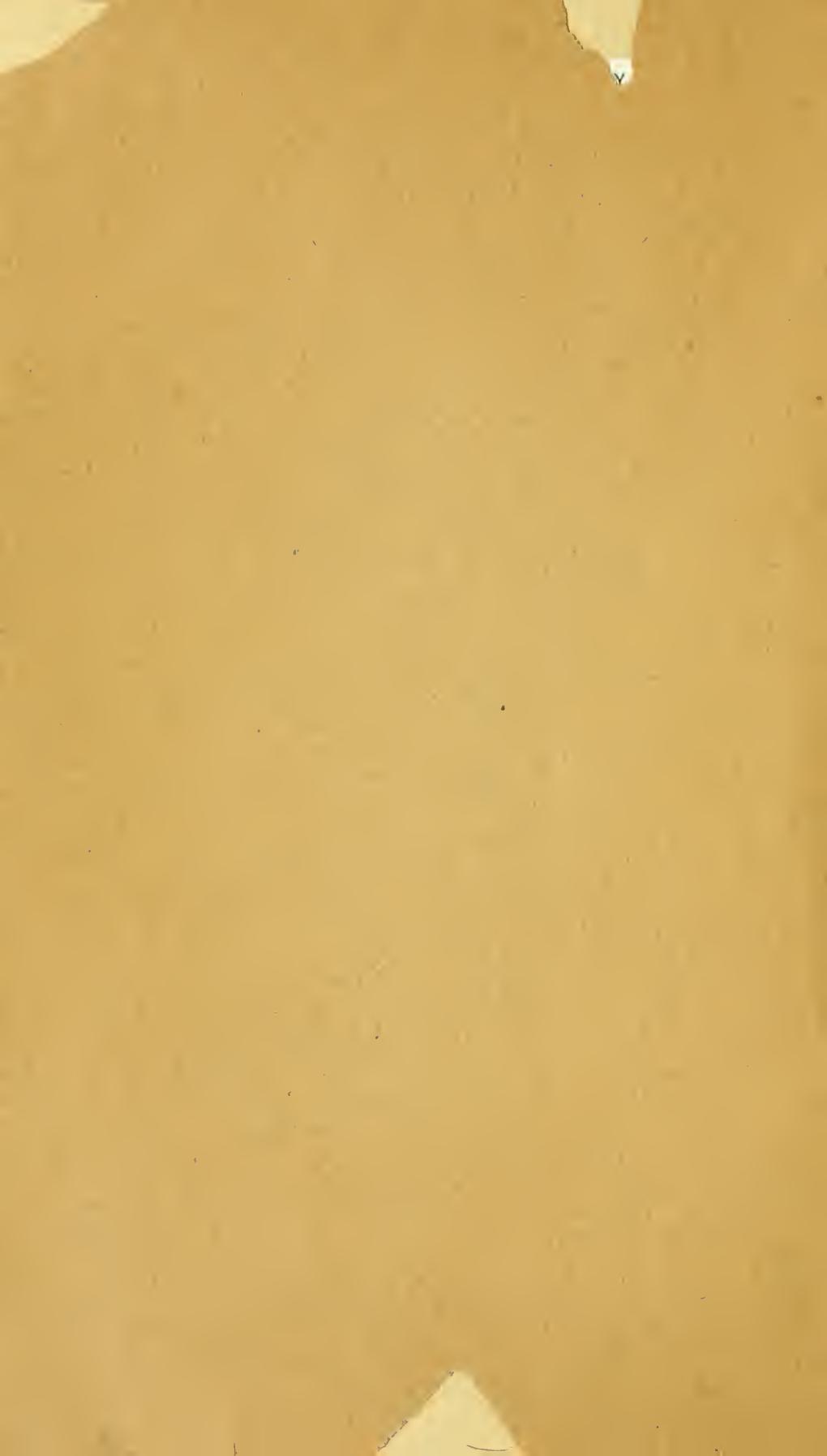
PHILADELPHIA.

1895.

LIBRARY OF CONGRESS



0 014 209 158 6





E. HEMSKIRK PINX.

I. BOWLES EXC.
LONDON, SOLD BY J. BOWLES AT MERCERS HALL IN CHEAPSIDE.

THE QUAKERS' MEETING

COPY OF AN OLD ENGRAVING IN THE COLLECTION OF THE HISTORICAL SOCIETY OF PENNSYLVANIA.

BENJAMIN FURLY,

“AN ENGLISH MERCHANT AT ROTTERDAM,”

WHO PROMOTED

THE FIRST GERMAN EMIGRATION

TO

AMERICA.

BY

JULIUS FRIEDRICH SACHSE.

“

*REPRINTED FROM THE PENNSYLVANIA MAGAZINE OF HISTORY
AND BIOGRAPHY, OCTOBER, 1895.*

PHILADELPHIA.

1895.



F152
F95

IN BUDHAWAR

Pa Hiat. Sore

3

BENJAMIN FURLY.

Benjamin Furly the friend of William Penn and promoter of the first German emigration to America, was a native of Colchester, England, where he was born April 13, 1636.¹ He began life as a merchant there, and became identified with the early Quakers. Subsequent to the year 1660 he immigrated to Amsterdam,² but afterwards made Rotterdam his permanent home, where he engaged in the mercantile and shipping business, his first establishment being in the *Scheepmakershaven*.

Although an Englishman by birth, he soon became identified with the land of his adoption, and married "Dorothe Graigne," a Dutch maiden.³ His eldest child by this mar-

¹ According to a Dutch account (Unger, in "Rotterdamsch Jaarboekje," 1890, p. 114), he was born at Rotterdam, of English parentage. There is, however, nothing to substantiate the above claim, as the learned writer evidently confuses Benjamin Furly with his son Benjohan.

² Berhard Croesens, "Quaker Historie, von deren Ursprung bis auf jüngsthin entstandene Trennung." Berlin, bey Johann Michael Rudiger, 1696, p. 644. The title of the English edition reads, "The General History of the Quakers &c. Being written originally in Latin by Gerard Croese." London, 1696.

Two editions were printed in Latin,—"Gerardi Croesi Historia Quakeriana,"—viz., Theodore Boom, 1695, and Amstelodamie, anno M.DC.IVC.

³ "Archief der Gemeente," Rotterdam.

riage was a son Benjohan, born January 6, 1681. Furly, by his honesty and industry, became known as one of the leading merchants of Rotterdam, and removed his residence and warehouse to the *Haaringvliet*,¹ then the chief commercial centre of the city. He, however, did not confine himself exclusively to his commercial life and to the accumulation of wealth, but continued his interest in literary pursuits, and, as Croese intimates,² "to thoroughly perfect himself in the various branches of learning," he cultivated the society of the leading critics and scholars of the period, and subsequently became a patron of letters.

His house became the rendezvous of such learned men as Leclerc, Limborch, Algernon Sidney, Edward Clarke, and Locke, and his library, with its wealth of manuscripts and rare imprints, was one of more than local reputation, being frequently quoted and consulted by *littérateurs* from different parts of Europe, two notable instances of which were the visits of Ludolph Küster and Zacharias von Uffenbach, accounts of which have been preserved. Benjamin Furly also took an active interest in the religious questions of the day, taking the side of the Separatists, as opposed to the established churches, and his home in Rotterdam upon frequent occasions was the scene of devotional meetings at which George Fox, Keith, William Penn, and others were prominent participants.

At an early age he became convinced of the Quaker doctrine, and became one of the most active champions of that Society upon the Continent. He was a prolific author, writing with equal facility in English, German, Dutch, and French.

His zeal in the doctrine he had embraced is attested by the publication of his numerous controversial writings, together with those of Fox and Penn, which were translated by him and printed at his expense.

Furly afterwards became the chief agent of William Penn on the Continent for the sale of his newly acquired lands in

¹ The "Haaringvliet" is one of the numerous basins or canals that form the harbor of Rotterdam.

² "Quaker Historia," p. 645.

America. His wife having died in 1691, he married, on December 10, 1693, Susanna Huis, the widow of one Jacobus van der Lijt.¹

Benjamin Furly died in March, 1714, in the seventy-eighth year of his age, and was buried, as beffited a man of his standing and wealth, in a tomb (No. 175) in the centre aisle of the St. Laurentius or Groote Kerk, formerly the cathedral church of Rotterdam.² Four children are known to have survived their father,—Benjohan, John, Arent, and a daughter Dorothy; all, presumably, issues by the first marriage.

It has been questioned whether Benjamin Furly became a Quaker before or after his settlement in Holland. We know that he was a man of marked and peculiar religious views, and that from his first arrival in Holland he was in sympathy with the so-called Separatists; and from the fact that members of his immediate family in England were among the early followers of George Fox, it is probable that he was convinced prior to his immigration to Holland.

According to a Dutch account, it would appear, however, that he did not join the Society of Friends until after his residence in Rotterdam. If this be true, it must have been prior to the years 1659–60, as in those years he, together with John Stubs, assisted in the compilation of George Fox's

“A Battle-Door for Teachers & Professors to learn Singular & Plural: You to Many, and Thou to One: Singular One, Thou; Plural Many, You.”

It was a folio of fifty-seven sheets, printed in thirty languages, of which, among others, his grandson says that the Chaldee, Syriae, Welsh, and French portions were written by Furly.³ Croese, in his “Historia Quakeriana,” distinctly states that “Benjamin Furly had this clever and ingenious work printed at great expense, and that Fox, although he knew of these thirty tongues but a single one, yet poses as

¹ “Archief der Gemeente,” Rotterdam.

² “Rotterdamsch Jaarboekje,” Vol. II. p. 114.

³ “Original Letters,” etc. Preface, p. 79.

the author." George Fox, in his journal, mentions that this work was finished in 1661, and that Benjamin Furly took great pains in compiling it.

During the next fifteen years Benjamin Furly published a number of controversial works in the interest of the Quakers, prominent among which may be named the following :

"Die Sache Christi und seines Volks." (German.) (The Cause of Christ and His People Justified.) By W. Ames. The large preface is by B. Furly. 4to, 1662.

"The Light upon the Candlestick." By W. Ames. The English translation is by Furly. 4to, 1663.

"The World's Honor detected &c. By a Friend to Truth who is no respecter or regarder of persons, called a Quaker." B. F[urly]. 4to, 1663.

"Eine Beschirmunge d'unschuldigen," etc. (Dutch.) By Wm. Caton, with a postscript by Benjamin Furly. 4to, 1664.

"Coppe van een Brief." (Dutch.) 4to, 1666.

"A Recantation by Benjamin Furly. Given in Rott[er]dam in 1669." (This is in relation to the hat controversy.)

"Anthoniette Bourignon ontdeckt, ende haeren Geest geopenbaert uyt haere Druckten," etc. (Dutch.) 4to, 1671.

"The Universal Free Grace of the Gospel asserted," etc. By George Keith. (Part by B. Furly.) 4to, 1671.

"A Letter to George Whitehead, about the Hat Controversy." 8vo, 1673.

"Missive aan de Nederlanse Natie." (Dutch.) (A Message to the Dutch Nation), by William Penn. Translation, with a large preface and conclusion, by Benjamin Furly. 4to, 1675.

In the Archives of Rotterdam there is preserved a document written in Hollandese, in which Furly, together with Symon Jansz Vettekeücken, makes the following appeal to the burgomasters and regents of Rotterdam for the protection of the Quakers who were then holding meetings in that city. This interesting document, in the handwriting of Benjamin Furly, is dated July 8, 1675, and was photographed by the writer during the past summer,—1894.

A Battle-Door FOR TEACHERS & PROFESSORS TO LEARN Singular & Plural,

*You to Many, and Thou to One: Singular One, Thou
Plural Many, You*

Wherein is shewed forth by Grammar, or Scripture Examples, how several Nations and People have made a distinction between *Singular* and *Plural*. And first, In the former part of this Book, Called *The English Battle Door*, may be seen how several People have spoken *Singular* and *Plural*; As the *Apharsathkites*, the *Tarpelites*, the *Apharsites*, the *Archevites*, the *Babylonians*, the *Susanchites*, the *Debavites*, the *Elamites*, the *Temanites*, the *Naomites*, the *Shutes*, the *Buzites*, the *Moabites*, the *Hivites*, the *Edomites*, the *Philistines*, the *Amalchites*, the *Sodomites*, the *Hittites*, the *Midianites*, &c.

Also, In this Book is set forth Examples of the *Singular* and *Plural* about *Thou*, and *You*, in several Languages, divided into distinct *Battle Doors*, or *Formes*, or *Examples*; *English*, *Latine*, *Italian*, *Greek*, *Hebrew*, *Caldee*, *Syriack*, *Arabick*, *Persiack*, *Ethiopick*, *Samaritan*, *Coptick*, or *Egyptick*, *Armenian*, *Saxon*, *Welch*, *Mence*, *Cornisb*, *French*, *Spanish*, *Portugal*, *High-Dutch*, *Low-Dutch*, *Danish*, *Bohemian*, *Slavonian* And how Emperors and others have used the *Singular* word to *One*, and how the word *You* came first from the Pope.

Likewise some Examples, in the *Polonian*, *Lithuanian*, *Irish* and *East-Indian*, together with the *Singular* and *Plural* words, *thou* and *you*, in *Sweeditish*, *Turkish*, *Muscovian*, and *Curlandian*, tongues.

In the latter part of this Book are contained severall bad unsavoury Words, gathered forth of certain School-Books, which have been taught Boyes in *England*, which is a Rod and a Whip to the School-Masters in *England* and elsewhere who teach such Books.

George. Fox. John Stubs. Benjamin Furley

LO N D O N, Printed for *Robert Wilson*, and are to be sold at his Shop at the Signe of the *Black-Spread-Eagle* and *Wind mil* in *Martins le Grand*, 1660.

Fac-simile of the title-page of George Fox's "Battle-Door."

TRANSLATION.

“ *To the Burgomasters and Regents of the City of Rotterdam :*

“ The people of God, mockingly called Quakers, who have taken up their residence in this City, cannot refrain from making known, with christian respect, unto you, as Magistrates of this City, that now twice, to wit ;—yesterday, within and without their regular meeting place, where they

Psalm 62, 2. come together to wait in silence upon the Lord,

they have been treated and handeled with violence and annoyance by divers sort of men, not only young but also of greater age, which is so publicly known that the thrown-in window-panes and the broken doors and benches are clear witnesses thereof. All the which they make known unto you not so much for anxiety for their persons and goods, as they well know that the same God is

Job 38. 11. living yet, and shall live unto eternity, who

hath set limits to the sea and hath said hitherto

shalt thou come but no further, and who can prevent the

Psalm 2, 1, 4. raging of the people when it pleases him : but

to avoid thereby the blame, such things having

befallen them, of not having made known the same to you,

Matt : 6. 2, 12. for your discretion, and above all for the mani-

festation of God in your consciences which

dictates to every one to do unto others as he would have

Eccles : 10, -8, 9. others to do unto him, because with what meas-

ure he metes, it shall be measured to him again.

In the name of all signed by us

“ BENJAMIN FFURLY

“ SYMON JANSZ VETTEKEÜCKEN

“ At Rotterdam the 8th day

of the Month which one

calles July, 1675.”

When, two years later, Penn, accompanied by Robert Barclay, George Fox, Keith, and others,¹ made his celebrated

¹ The party, in addition to the three named, consisted of John Furly, a brother of Benjamin Furly, of Rotterdam, G. Watts, William Talcoat, Isabella Yeomans, and Elizabeth Keith.—*Journal of William Penn.*

tour through Germany and Holland, it was this same Benjamin Furly who met them upon their landing.

George Fox records that the party was becalmed when a league from the shore, and that William Penn and Robert Barclay, understanding that Benjamin Furly was to come from Rotterdam to the Briel to meet them, got two of the sailors to lower a small boat and row them ashore; but before they could reach it, the gates were closed, and there being no house without the gates, they were forced to lie in a fisher's boat all night. As soon as the gates were opened in the morning they entered and found Benjamin Furly, who brought them to Briel, where the Friends received them with "great gladness."

The party arrived at Rotterdam on the same day, Saturday, July 28, 1677. The next day—First day (Sunday)—two religious meetings were held at the house of Furly, who then lived in the Wynstraat, the latter and John Claus acting as interpreters. The next fortnight was spent in visits to various towns in Holland. On the 7th of August the company divided up into two parties, when Keith, Barclay, and Penn left the others at Amsterdam and set out towards Germany, where, as Fox states in his journal, "they travelled many hundred miles, and had good service for the Lord," Benjamin Furly going with them and acting as interpreter for the party, and upon that occasion was largely instrumental in influencing the Germans in favor of Penn. It is further a matter of record, that Furly remained with Penn and Keith during their entire stay on the Continent.

Towards the close of this memorable pilgrimage, four tracts of an exhortative character were written by Penn,¹ designed for distribution among the Separatists in Germany and Holland. These tracts were revised and translated by Benjamin Furly, and printed at his expense after Penn's departure. The German titles are as follows:

"Forderung der Christenheit für Gericht." (A Call to Christendom, etc.)

¹ PENNA. MAG., Vol. II. p. 276.

“Eine Freundliche heimsuchung in der Liebe Gottes.”
(A Tender Visitation in the Love of God.)

“An alle diejenigen so unter den Bekennern der Christenheit,” etc. (To all Professors of Christianity, etc.)

“An Alle diejenigen welche empfinden,” etc. (Tender Counsel, etc.)

The above were also published collectively in Dutch under the general title, “Het Christenrijk Ten Oordeel Gedagaart,” etc. Two of the above tracts—“A Call to Christendom” and “Tender Counsel”—were printed separately at the time in English.¹

It was about this time that the friendship between John Locke, who had been introduced to Furly by Edward

John Locke Clarke, of Chipley,² ripened into intimacy, and the correspondence which ensued lasted until the death of Locke.

Algernon Sidney and the Earl of Shaftesbury were also frequent visitors at the Furly homestead, and the former, at his death, bequeathed to Furly a large silver goblet, which is still in possession of his descendants.³

When the grant to William Penn was consummated, and there became a likelihood of a large German and Dutch immigration to Pennsylvania, Penn submitted to Benjamin Furly the drafts of several instruments which he proposed to make the basis for the laws and government of his Province. Furly's comments on these papers, in his handwriting, are among the “Penn Manuscripts” in the collection of the Historical Society of Pennsylvania. In them he suggests the protection of the interests of the German and foreign settlers who it was expected would immigrate to

¹ Whiting's “ Catalogue of Friends' Books,” London, 1708, pp. 119, 120.

² Edward Clarke, Esq., of Chipley, near Taunton, was one of the burgesses for that borough in seven Parliaments, from the first of King William, which met in 1690, to the third held by Queen Anne, which was dissolved in 1710.

³ A drawing of this cup forms the frontispiece to the second edition of “Original Letters of John Locke, Algernon Sidney, and Lord Shaftesbury,” London, 1847.

Het CHRISTENRIJK TEN OORDEEL gedagvaart.

Een teedere besoeking in de Liefde Gods, aan alle die gene
die een begeerde hebben om God te kennen en hem in
Waarheyd en Oprechtigheyd aan te bidden, van wat
Selde, of soort van Godsdienst de selve zouden
mogen wesen.

Een Missive aan alle die gene, die, onder de belyders der Chri-
stelijkheyd, afgesondert zijn van de sichtbare Selten.
en uiterlyke Gemeenten.

EN

Een Missive aan al die gene, die gevoelig zijn van
den dag harer besoeking.

Alles in d' Engelse Tale geschr even . door

WILLIAM PENN.

En daer uyt overgeset.

Tot ROTTERDAM.

Gedrukt voor JAN PIETERSZ GROENWOUT,
Boekverkooper, wonende op het Speuy 1678

Fac-simile of the Dutch title-page of Penn's Tracts. Original in the "Archief der
Gemeente," Rotterdam.

Pennsylvania, and makes a number of criticisms on the laws which Penn proposed, suggesting in some instances the usages followed in Holland.

This interesting document, never before published, is reproduced in its entirety at the end of this paper, and it deserves the careful consideration of every student of Pennsylvania-German history, for it will be noted that Benjamin Furly was not alone concerned about the religious and civil liberty of the prospective immigrants, but of their personal rights as well. This is instanced in the clause granting immunity from arrest and fine to such persons as choose to labor upon the First day of the week,¹—a suggestion that was made in the interest of the Sabbatarian movement which was then attracting considerable attention in both England and Holland.

Then, again, his suggestions and advice to Penn as to the course to pursue in regard to a possible attempt to introduce negro slavery into the Province² is of great interest, as the first public protest against negro slavery in America was made at Germantown in 1688 by some of the German pioneers who came to Pennsylvania under his auspices and bounty.

Subsequent to the grant Benjamin Furly became Penn's most active and useful agent on the Continent for the sale of his lands. How great a factor he was in bringing about the extended German immigration is a matter of history.³ It was he who negotiated the first land purchase of the Crefelders,⁴ and the deeds were dated and delivered by him. It was also through his efforts that passage to America on the "Concord," Captain William Jeffries, was procured for the thirteen pioneer families, consisting of thirty-three German emigrants, who were met and welcomed upon their arrival by both Penn and Pastorius.

To encourage further immigration of Germans and Hol-

¹ Section XIX.

² Section XXIII.

³ PENNA. MAG., Vol. II. pp. 237-282.

⁴ Ibid., Vol. II. p. 280.

landers to Pennsylvania, Furly had printed in English, soon after it appeared, a German and Dutch translation of "Some Account of the Province of Pennsylvania in America," published in London, 1681.

Three years later this was followed by "Beschreibung der in America neu-erfunden Provinz Pensylvania." 4to, 32 pp. Hamburg, 1694.

A translation into French was published at the Hague in the same year.¹

From letters and documents in the Lawrence collection of the Historical Society of Pennsylvania it appears that in later years there was a well-grounded cause for dissatisfaction on the part of Furly as to Penn's agents in Pennsylvania, notwithstanding Penn's personal efforts in his favor. For this reason Furly gave to Reynier Jants (Jansen), to whom he had previously sold some land,² a power of attorney to act for him in Pennsylvania upon his arrival.

This document was subsequently revoked in favor of a similar one granted to the brothers Daniel and Justus Falkner, prior to their departure for America in 1700.³

William Penn's personal interest in the protection of Benjamin Furly's claims is shown by his letter of instruction to James Logan prior to his departure from Pennsylvania in 1701, wherein he commands him to prepare a warrant for four thousand acres of land for Benjamin Furly.⁴ A number of letters from Furly, addressed to Justus and Daniel Falkner, have also been found among the Lawrence

¹ An English version of this rare work was printed in the PENNA. MAG., Vol. VI. p. 321.

² Deed July 17, 1685. Acknowledged before a notary in Holland. Minute-Book "H," "Pennsylvania Archives," Second Series, Vol. XIX. p. 598.

³ For an extended account of the controversy and litigation which subsequently ensued, *vide* "The German Pietists of Provincial Pennsylvania," Vol. I. pp. 145, 167-171, 307, *et seq.*

⁴ Letter dated "25th 8^{ber}, 1701," "Pennsylvania Archives," Second Series, Vol. XIX. p. 219; see also "The German Pietists of Provincial Pennsylvania," Vol. I. p. 171.

Eine
W A C H P A C H E
wegen der Landschaft
P E N N S I L V A N I A
in
A M E R I C A :
Welche
Jüngstens unter dem Grossen Sieg
in
E N G E L L A N D
an
William Penn, &c.

Sammt den Freyheiten und der Macht / so zu behöriger
guten Regierung derselben nötig/
übergeben worden/
und

Zum Unterricht derer / so etwan bereits bewogen / oder noch
indichten bewogen werden / sich sich selbst darin .
zu begeben / oder ehige Bediente und Gesinde
an diesen Ort zu senden / hierauf
Fund gehan wied.

Nus dem in London gedrucktem und aldar ben Benjamin Clark
Buchhändlern in George-Yard Lombard-Street besudlichem
Englischen übergescher.

Nebenst bengesügt ein ehemaligem im 1675. Jahr gedrucktem
Schreiben des oberthonten Will. Penns.

To Amsterdam / gedruckt ben Christoff Cunraden.
Im Jahr 1681.

Fac-simile of the German title-page.

Een kort Bericht
Van de Provintie ofte Landschap
PENN-SYLVANIA
genaemt, leggende in
AMERICA;

Nu onlangs onder het groote Zegel van Engeland
gegeven aan

WILLIAM PENN, &c.
MITSGADERS

**Van de Privilegien, ende Macht om
het selve wel te Regeeren.**

Uyt het Engels overgeset na de Copye tot Londen gedrukt by Benjamin Clark, Boekverkooper in George Yard Lombardstreet, 1681.

Waar bp nu gevoegt is de **Notificatie van s' Konings Placaet** in date van den 2 April 1681, waerinne de tegenwoordige **Intwoonders van PENN-SYLVANIA**, belast wordt **WILLEM PENN** en zijn Erfgenaeme, als volkomene **Ergendaars en Gouverneurs**, te gehooftsamien.

Als mede.

De Copye van een Brief by den selven W.P. geschreven aan
zekere Regeeringe Anno 1675. regens de Vervolginge
en voor de Vryheyt van Conscientie, aan alle &c.

To R O T T E R D A M .

Gedrukt by PIETER VAN WYNBRUGGE, Bock-Drukker in de
Leeuwestraat, in de Wereld Vol-Druk. Anno 1681.

Fac-simile of the Dutch title-page.

[From the original in Carter Brown Library, through courtesy of John Nicholas Brown.]

papers before mentioned;¹ the latter was for a time the mercantile correspondent of Furly in America, and of the sons Benjohan and John after their father's death.

In some of these letters Furly expresses his unbounded confidence in the integrity of the two Falkner brothers, in others he characterizes a prominent person in Pennsylvania as a forger and embezzler, and charges him with defrauding him out of his lands in Pennsylvania.

But little has thus far been written or published of the private life and character of Benjamin Furly, who was so important a factor in organizing the German immigration to Pennsylvania, and in procuring for the immigrants the necessary transportation,² except that he was an eccentric person of peculiar religious views. His correspondence, however, with Locke, Sidney, Lord Shaftesbury, and others, whose letters to him were privately printed some fifty years ago,³ shows that Benjamin Furly was a man whose literary attainments were of no mean order, and that he was upon intimate terms with many of the leading scholars and statesmen of the period who labored incessantly to establish civil and religious liberty in Europe.

It further appears that Locke spent much of his time at Furly's house, and as he was particularly fond of children, one of his chief amusements while there was playing with the young folks.⁴

Although usually classed among the leading Quakers of that period on the Continent, and notwithstanding his purse and pen were at their disposal and used in their interests, it appears that his connection with them was not one of uninter-

¹ Thomas Lawrence was elected mayor of the city of Philadelphia by the Common Council, October 1, 1728.

² A notable instance of his liberality is shown in the case of Kelpius and his band of German Pietists, who left Rotterdam in 1693. *Vide* Croese, "Historia Quakeriana," pp. 539 *et seq.*; also "The German Pietists of Provincial Pennsylvania," Vol. I. pp 44-46.

³ "Original Letters of John Locke, Algernon Sidney, and Lord Shaftesbury," London, 1847.

⁴ *Ibid.*, Preface, p. 74.

rupted harmony. Croese,¹ states that " Benjamin Furly was an English Merchant, first at Amsterdam, then at Rotterdam, who, together with his merchandize, had addicted himself to the study of learning, and in his favor of these men [Quakers] wrote several little Tracts in Divers Languages. But yet refrained himself from exercising the office of a Teacher or Minister amongst them, alledging this reason for it, that he could safely enough be taught at all times, but could scarce be a Teacher himself without danger. Altho' as time and age teach Men many things, this same man afterwards found fault with and went off from many things in the doctrine and Manners of the Quakers." Just what these differences between Furly and the Quakers were, and when they took place, is unknown to the writer. Joseph Smith, in his catalogue, classes him among such as were disunited, and returned, but are believed to have again left the Society.

In later years he is credited with being the author of the following works: "Ene Wonderlike voorsegginge tot Rome," etc. (Dutch.) Folio, 1689.

"Copie Van een oude prophetie," etc. (Dutch.) Folio, 1689.

"A Prophecy of St. Thomas the Martyr" (from MSS. of Algernon Sidney). 1709.

"Discernement des Ténèbres d'avec la Lumière." (French.) 8vo, 1710.

"Éclair de Lumière decendant," etc. (French.) 8vo, 1711.

"The Approaching Judgments of God upon the Roman Empire," etc. Translated out of high Dutch by B. Furly. 8vo, 1711.

It can matter but little whether or not Benjamin Furly lived continuously and died within the fold of the Society of Friends,² but it cannot be denied that to him more than to any

¹ English edition, Book III., p. 208.

² From the fact of his burial within the walls of the chief orthodox church at Rotterdam it would appear that he had renounced Quakerism prior to his death.

other person is due the credit of materializing the dream of Penn, so far as the German element is concerned, for he not only encouraged them with advice and counsel, but with more substantial means in the shape of concessions of land, transportation, and loans of money.

The only trustworthy personal description of Benjamin Furly and his peculiarities that has come down to us is the interesting account given in the Memoirs of Zacharias von Uffenbach,¹ who visited Rotterdam in the year 1710; he had been a classmate, at Halle, of Justus Falkner, one of the early German Pietists in Pennsylvania, and later was an attorney for Furly.² He writes,—

“On the morning of November 21, we went *Op-Tē Haar-ing Vliet*, to visit Benjamin Furly, an English Merchant, who was the chief of the Quakers in Holland, and possesses a curious stock of Books, mainly *suspectae fidei*. He lives in a very fine house, and is a man of about seventy years of age, and of peculiar actions. [Sonderbarem wesen.]

“We were ushered into his *comptoir* as it was called, but this appeared more like a library or Museum than a mercantile counting house, as the walls were shelved and covered with books, to the number of at least four thousand. They were mostly on theological subjects, of the *suspectae fidei* order, and appear to be well suited to Mr. Benjamin Furly’s taste, who is a paradoxial and peculiar man, who soon gave us to understand that he adhered to no special religion.

¹ Zacharias Conrad von Uffenbach, born at Frankfort, February 22, 1683. From his youth he was known as a lover and collector of books. He first attended the University at Strasburg, later at Halle, where he graduated, after which he made a tour through Northern Europe, Holland, and England in search of rare imprints and manuscripts. He thus accumulated one of the most valuable private libraries in Germany, which contained many works on early American history.

His Memoirs were published at Ulm, in 1753, and contain many notices of books and persons not to be found elsewhere. A partial printed catalogue of this library may be seen at the Philadelphia Library: “*Bibliotheca Uffenbachiana*,” etc.

² *Vide* “The German Pietists of Provincial Pennsylvania,” Vol. I.

“Unfortunately we were not permitted to examine any of his books except the original manuscript of the ‘*Libri Inquisitionis Tolosanae*,’¹ edited by Limborch,² and this work only after earnest and repeated solicitation.

“It proved to be a *Codex membranaceus in folio constans foliis 203*, and was neatly and plainly written.

“This was indeed a great curiosity, especially as it was found in the possession of a non-Catholic. This was further instanced by the actions of the former Bishop of Utrecht, who upon that account doubted its authenticity, and sent a clerical to compare Limborch’s edition with this original. Mr. Furly would not permit this examination until the above clerical assured him that if he found the two works to agree, he would so certify to the fact officially over his hand and seal, which was done, and it is now pasted on the cover of the volume.

¹ The Latin title of this work is given in the catalogue of the “Bibliotheca Furliana.” Translated it reads as follows: “Book of Maxims; beautifully written on parchment, and bound between two wooden leaves; the autograph itself is written; and everywhere it is subscribed in the hand of the clerks of the Inquisition; beginning only with the year of Christ, 1607, [and going] as far as 1622; and by undoubted indications it is agreed to be the original manuscript, derived from the archives of the Inquisition of Toulouse. The Maxims themselves, as far as can be gathered from the resemblance of the handwriting, are written in the hand of Peter of Clav . . . down to the eighth discourse, which begins fol. 97. The remainder of the book, down to the end, is in the hand of William Julian; James Marquette has written beneath the Maxims almost throughout; [it is] the rarest book of all rarest ones, and of the highest possible price.”

The original manuscript was bought in by John Furly at the sale of his father’s library, and afterwards sold to Archbishop Secker, who presented it to the British Museum, where it now remains. It was translated into English and published by Samuel Chandler, London, 1731. A copy of this translation can be seen at the Ridgway branch of the Philadelphia Library.

² Philippus Limborch was a learned divine, born at Amsterdam, 1633. He embraced the tenets of the “Remonstrants,” and first appeared as a public preacher at Haarlem in 1655. He was an able annotator and an esteemed writer, as is shown by the tributes paid him by Locke and Tillotson. He died in 1711.

“Mr. Furly complained that Limborch failed to mention that he had obtained the original Codex from him.

“This,” continues Uffenbach, “seemed the more strange to me as it would have added to the value of Limborch’s edition if he had made mention where the original of this curious work could be seen, as the Catholics, in time, would throw doubt upon the facts, as it was a thorn in their eyes and a bitter conviction of their spiritual tyranny. As we began to touch upon this subject, Furly complained that the same spiritual tyranny was also still in vogue among the Protestant denominations.

“When I reminded him that in Holland religious liberty prevailed, he denied emphatically that this assumption was true, and he became quite excited over the procedure of the local magistrates against the so-called English New-prophets.

“He admitted that he not only harbored their tenets and had printed their writings with a preface of his own, but had defended them as well before the Magistrates, and endeavored to shield and protect them, yet, notwithstanding all his efforts, these innocent people had been expelled from the country.

“He related all that had happened to these people, here as well as at the Hague. This he did not only in a general way, but he read to us, word for word, a long relation of the facts, that he had just written to Herr Gronovium. This lasted for over two hours.

“I thought that I should die from impatience, and although I repeatedly referred to the subject of his books, and begged him to show us some of the rarest and most curious of the collection, the man was so excited that he failed to notice my request.

“Thus he continued to complain, over and over again, how badly these people were treated, especially Herr Facio, whom he characterized not only as a devout man, endowed with many gifts of the Spirit, but also as a learned man and an excellent mathematician.

“He declared that they were pious and innocent persons; against whom no accusations could be truly brought, except

that their prophecy of a personal return of Christ at a specified time had not been fulfilled.

“He stated that the clericals had used the following quotations of Scripture, viz.: Deuteronomy xviii., v. 21, 22, against them, and had attempted to convict them as false prophets and deceivers.

“We were astounded that this man, a merchant, should be so well versed in Latin, Hebrew, &c., the more so as he formerly had no means at his disposal, and had only acquired them here of late. We complained that on account of his extended discourse we had failed to obtain an insight to his literary treasures, but even this hint failed and proved of no avail.

“As we were leaving, the honest patriarch led us into a kind of a Cabinet, that gave us an unsurpassed view of the river Maas.

“In his personal appearance,” continues Uffenbach, “Benjamin Furly is, as we had pictured him to be, an old, tall, lean, serious man who, although it was already cold and chilly, went about in a thin, threadbare gray coat; around his head he wore a band of black velvet, as he stated for the purpose of keeping his hairs from coming in his face when writing.”

After the death of Benjamin Furly, his great library was catalogued and sold at auction October 22, 1714. The following is the title of the catalogue:

“Bibliotheca Furliana sive Catalogus Librorum, Honoratiss. & Doctriss. Viri Benjamin Furly, inter quos excellunt Bibliorum Editiones Mystici, Libri proprii ejusdemque Sectae Christianæ, & Manuscripti Membranei. Auctio fiet die 22 Octobris 1714, in Aedibus Defuncti in Platea Vulgo dicta. Haringvliet. Roterodami, Apud Fritsch et Bohm. 8vo, 1714.”

Benjamin Furly’s two elder sons succeeded their father after his death as merchants and shippers at Rotterdam, and also for a time pressed claims for lands in Pennsylvania.¹ Benjohan, the eldest son, married Martha Wright,

¹ “Pennsylvania Archives,” Second Series, Vol. XIX.; also “The German Pietists of Provincial Pennsylvania,” Vol. I.

a young woman from London, who died in 1713. She was buried September 18; a few weeks later, October 9, her babe was laid by her side. Twenty-five years afterwards, August 7, 1738, Benjohan Furly was buried in the family vault in the St. Laurentian Kerk, beside his wife, child, and parents. Of John Furly nothing is known, except that he became a leading merchant of Rotterdam and London, and left a family.

Arent Furly, the youngest son, who was a great favorite of Locke and Lord Shaftesbury, entered the military service of England, and went with Charles, Earl of Peterborough, to the West Indies in 1702-03, and in 1705 as his secretary to Spain, where his patron was General and Commander-in-Chief of Her Majesty's forces. Several of the orders dated in the camp before Barcelona in 1705 are countersigned by Arent Furly. According to a letter from Lord Shaftesbury to Benjamin Furly, he died early in the year 1712.¹ He was unmarried.

Benjamin Furly's daughter Dorothy, born July, 1710, married Thomas Forster, of Walthamstow, England, and it was his grandson Thomas Ignatius Maria Forster who published the volume of letters of Locke, Sidney, and Shaftesbury, so frequently quoted in this sketch.

There are but few of the hundreds of American tourists that annually visit the Groote Kerk in Rotterdam, and wander through its broad aisles, who know that in the centre aisle in the nave rest the remains of Benjamin Furly and his kin, the man who was so instrumental in bringing about the first German immigration to America and in securing for the immigrants equal rights and privileges.

¹ "Original Letters," etc., p. 205.

FOR THE SECURITY OF FORREIGNERS WHO MAY INCLINE TO PURCHASE LAND IN PENNSYLVANIA, BUT MAY DY BEFORE THEY THEMSELVS COME THEIR TO INHABIT.

[The following paper, in the handwriting of Benjamin Furly, is among the "Penn Papers" in possession of the Historical Society of Pennsylvania. It is endorsed "B F. Abridgm^t out of Holland and Germany. Laws of Gov^t Pense." It contains a series of criticisms called forth by a comparison of the "Frame of Government Signed by Penn April 25 1682, together with The Laws Agreed upon in England May 5. 1682," and a paper called "The Fundamentall Constitutions of Pennsylvania," a copy of which is also among the "Penn Papers." This last is a form of government that Penn, after considerable deliberation, had decided upon as a suitable one for the government of his province, but which was abandoned for what we know as the "Frame of Government." This action does not appear to have been approved of by Furly, and hence his criticisms. As Furly's comments were made upon the "Frame of Government" as finally published, it cannot be claimed that Penn was influenced by Furly in drafting his "Frame," unless it was through a correspondence of an earlier date. There is, however, little doubt that the 21st section of the "Frame of Government," included in the act of settlement passed at Philadelphia, March 1, 1683, which provides for the protection of the estates of aliens, was the result of Furly's suggestion, and a further examination of that instrument, with Furly's criticisms, might indicate an influence in other sections. The paper is interesting as showing how widely and earnestly Penn sought assistance in drafting the fundamental laws for his province, and the attention that was given to the subject.—F. D. S.]

I.

If the forfeitures of forreigners Land do there fall to the Governor, as in England to the King, Let an Article be added to the frame, by wth the Governoour binds himself, Heirs & Assigns, that in Such cases he will not take any advantage thereat, but freely, & at his charge restore the said Lands to the heirs of the deceased forreigners fro[m] time to time for ever—

or II.

If it will stand in Law, Let a Law be made, declaring every man naturally, by virtue of his purchased, Provided he send one to inhabit there, with full power to subscribe to the fundamentals of the Government.

As it is in the Carolina Constitutions that every one who dos there in person, subscribe shal be thereby naturalized.

One, or both these, must be, or else persons dying after purchase before they can get over with their families to be Denizon'd or Naturaliz'd, their heirs may have their land forfeit to the King.

Or III.

A lease for 1 or 2000 years must be made them of their Lands, wth promise of renewing it at any time to the heirs that may be foreigners.

Or IV.

If neither of these Ways will secure the Lands payd for, to their heirs, Then there seems to me no other way, but for the Governo^r to give bond for the paying to their heirs so much mony, as the said Land shall be Valued at, at w^t time Soever it shall be declared forfeit for want of naturalization——

V.

That a Law be made, as in the first draught of the Governor, Art:— on declaring all children to have an equal share in the estates of their parents, dying without will.

VI.

That all wils be so far regulated by Law That the children may not for meer will & plesure, & wthout sufficient reason, be disinherited on the One side, nor the Parents deprived on the other side of a power of countenancing & rewarding Virtue, obedience & sweetnes, and dis-countenancing Vice & refractorynes in their children.

In order wherunto Let the father have the full dispose of the one half of the childrens $\frac{2}{3}$ parts of the state to dispose of in Legacies, & to such of his children as shal have bin most deserving. And the other half let be firmly establisht upon the children equally, as their Legitime portion.

VII.

for the more speedy peopling of the country & drawing both Rich & Poor thither, wth is the indisputable Interest both of the Governor & free-holders Let a Law be made by wth the Estates of Executors & Guardians for minors, shal be bound for to al intents & purposes for their tru & faithful administration of the Estates of minors & Orphans, till they have passed their acco^ts & are legally discharged.

Let no man be permitted to refuse this so necessary charge in a Commonwelth, except as in Holland, he can shew that he hath 7 children to take care of, or be alredy Executor to 3 wills, or hath persons nearer related to him, who in all probability will impose that charge upon him.

This care for preserving the estates of Orphans has bin a great means to draw rich men into Holland.

But they have bin defective in one thing, wth much impaires the Validity of their Registers, Viz, that they have not Registered therein

as well the names of all Executors as of all mortgages, wth should have bin, seeing all the Lands of such Executors are by this Law really mortgaged or bound to make good the Estates of Orphans & minors, whosoever has bought and payd for them, during such minority & Administration—

That purchasers may be secured or at lest warned let the names of all Executors be registered in that book, where their Lands stand enregistered, as a Legall charge npon their Lands.

And when they have accounted & are Legally discharged, Let them be, upon the Register, duly discharged.

And because a due provision made for the Education of youth freely, in all arts, that may tend to the good of the Commonwelth, & for Aged & disabled persons, & orphans, that there may not be a beggar amongst, wil be an incouragement to both rich & Poore.

VIII.

Let a certain part of every mans gain, whether husband man, trades man, handy crafts man, marchant or by whatsoever name distinguisht be set apart, and brought into a common Treasury, whether $\frac{1}{10}$, $\frac{1}{15}$ or $\frac{1}{20}$ th part of their gain.¹ I say gain, That so the laborios husband man may not, (as in that oppression of Tithes) be compelled to pay, where he reaps not, sufficient to pay for his seed & Labor &c.—

Let this be set apart for these uses. 1. for erecting & maintaining of free schools. 2. for erecting & maintaining of hospitals for aged & disabled men & women, & orphans.

And becaus men whose minds are corrupted by covetousnes may defraud the publick, and bring the charge to ly onely upon y^e Conscientios.

Let every man that coms there to inhabit engage to the observing of this Law, by a solemn subscription in open Court, upon penalty of being looked upon as a false man never to be reed, as a witness, much less admitted to any place of trust or proffit & the Republick, if it shall ever be made appear that he hath defrauded y^e public, And to forfeit four times so much ($\frac{1}{2}$ to y^e publick Treasury & $\frac{1}{2}$ to the discoverer) as he had saved, or intended to save to himself, by this vile and false Action.

Thus both rich & poore will see a morall certainty, that, into w^t state soever they or their posterity shall come, they shall not want for being well provided for, & their children bred up to learning if capable & thereunto inclined. This fund may be employed for the transporting of poor families, that gladly would transport themselves, (but cannot for want of means) if any would but furnish them wth so much as is necessary to their transportation & settlement, upon their bonds to repay

¹ MARGINAL NOTE.—And as the Cuntry encreases let y^e —— be kept in each county where it arises.

them again, wth a reasonable interest & allowance for their monyes & risico, as they should be able or could agree.

Nor would this any way diminish the stock, but increase it by employing it upon interest & profit for the risico, in a way that should bring advantage to the whole Province, & particularly to this fund for the use above mention'd.

And for the Incouragement of any that may be willing to advance mony immediately towards bringing over such honest & industrious families this fund might be ingaged to them as a corroborativ security to the bonds made wth the persons that they should so contract with.

IX.

CONCERNING JURIES.

Especially where life will be concerned, as in murther & Treason, where the Governor has no Power to pardon.

Let God rather then men be intrusted with that affaire in the first place, that all corruption in packing of Juries to hurry men out of y^e world wthout just cause may be prevented.

To wth purpose let the names of all the free-holders or such as are capable of serving, be written in papers, & let 48 draw, wth done let the Prisoner have his liberty still to except giving sufficient Reasons to the Court that so things may go squarely on both sides.

Onely in cases that will touch life, let no man that scruples to pass upon life in any case, be imposed upon—As I myself, & many more to me known do.

X.

That all causes be first heard in the precinct or provinciall court where the defendant resides except he be found within that of y^e Plaintiff, & be there summoned to answer. And let not any cause be removed thence to any superior court till sentence be past, And that by way of appeal, putting in security for the charges of y^e suit.

XI.

That if any man will finally appeal from y^e last court in the province, to the king, he first deposits in court the sum wth he is condemed to pay, and give security to pay treble dammages in case he loses his cause before the king.

XII.

FOR THE AVOYDING OF NUMEROUS SUITS.

If 2 men dealing together be indebted to each other, upon bills, bonds, bargains or whatsoever it be, provided they be of the same nature clear-

nes & Liquidity.¹ Let the defendant in his answer acknowledge the debt, wth the plaintiff demands by bill, bond &c—defalking what the plaintiff is owing to him upon like bill, bond &c.—That so he that is willing to pay what he ows, to one that is unwilling to do the same to him, may be allowed to defalk w^t the plaintiff ows him, & pay him the rest, when the Jurie hath examined both their pretences, & found them of one nature.

For what reason in the world is there that if I owe a man £500 upon a bond expired 8 days since—And he ows me £300 upon a bond expired $\frac{3}{w}$ since—wth being demanded he has refused to pay ; in case he sue me for y^e £500 I owe him, that I shall at same time have my case tryed w^{thout} making an other suit of Law of it ?

Much less is there reason, if he owe me £500 upon a bill, & I him but £300— That because he begins to sue me first having arrested me, I shal be Comdemned to pay my £300—And be to seek him when I can find him, to arrest him—for for y^e £500 he ows me, y^t was due before my bond ?

This brings to my mind to desire that every man, as in holland shal be bound to appear upon summons left at his dwelling, that so no man by skulking may prevent Justice. As I suppose it is here.

Consider further that there are many Christians in holland & Germany that look upon it as unlawfull to sue any man at y^e Law, as to fight wth armes These then having no other fence but their prudence in intrusting none but honst men. If they should prove mistaken, shal be made by a knave to pay £300 when in reality they ought to receive £200. wth, if they might in their defence be allowed to alledge by way of answer, they might receive. Or at lest they would be freed from being molested for payment of their bond ; because the same Jury would determine, as well for them, as for their party.

That a way be establisht for making sentences passed by Arbitrators as valid as any other in the country, as in Holland, Thus. The partieys having signed to submitt their matters to such men, Let the compromise be sent to y^e superior court & their ratification of that act be confirmed by them—

CONCERNING PAYING DEBTS.

XIII.

Let all Lands & goods be lyable to sale for payments of debts, this is just & honest the keeping any part free (as in y^e 14th Law) tends to encourage vile knavery.

XIV.

Seven yeers possessions, is too short a time to give an unquestionable right—as in y^e 15 [16] Law.

¹ MARGINAL NOTE.—That bills, bonds & other specialties be assignable from one to another. But he that receivs such ought first to require of y^e debtor whether he hath not as liquid, & adjusted a debt to stop, upon the bill, bond &c. that should be transferred to him—

XV.

That the term Contenements in y^e 18th Law be expayned.

XVI.

That care be taken that, if deeds sent over to be registred be lost, the persons shall not lose their lands. w^h must be, by a Register here. Or Copies Notariall sent, or kept here must be admitted.

XVII.

That in case of murder (L:rs) y^e $\frac{2}{3}$ of y^e state go rather to y^e next of kin to the sufferer (w^h may be a poore widdow w^h many fatherless children) & but $\frac{1}{3}$ to y^e kindred of the Criminall—If any difference—But half to each seems as equall—& In case of Treason $\frac{1}{2}$ to y^e kindred, & $\frac{1}{2}$ to y^e publick Treasury.

XIX.

The 26th [36] Law enjoyning all to abstain from Labour on y^e first day may prove a vile snare to y^e conscience of many in this day, who do not look upon that day as of any other then human institution, & may be pressed in spirit (whether right or wrong is not the question) sometimes to work upon that day, to testify agt that superstitious conceit that it is of divine institution, & is the Christian sabbath.

Onely thus far there may a service be in Setting Servants at liberty from the oppressions of grinding, covetos masters &c—that it be declared that no master shall compell his servant to labor on that day because its fit y^t y^e very body of man & beast should have some rest from their continall labor—

XX.

That no publick Tax be for longer then a year. w^h will make y^e Assembly always necessary. And consequently keep ministers in aw.

XXI.

That if any man arrest another going out of y^e Province he be ready w^h his declaration & evidence the next day & that he put in security—for y^e charges & dammages sustayned by that stop, if he be found in the wrong.

XXII.

That a forme of a deed be agreed upon, thats short & plain that we be not bound to the tricks of y^e Lawyers of England.

And let possession be given & taken as in holl^d in open court, by the persons themselves or their attorneys.

In holland the mode is thus. The seller takes his hat, & turning y^e

crown downwards holds it by 2 fingers & his thumb. The buyer likewise takes hold of it, & the seller says that he thereby surrenders to him all his right & title leaving y^e hat in y^e hand of the buyer, who afterwards givs it him and there's an end—

XXIII.

Let no blacks be brought in directly. And if any come out of Virginia, Maryld. ~~or elsewhere~~ in families that have formerly bought them else where Let them be declared (as in y^e west jersey constitutions) free at 8 years end.¹

XXIV.

That the Royalties being not in the deeds expressed be added to the frame as an article, & the liberty of hunting, fowling, fishing exprest in plain terms. And afterwards in the Register. Things securing mens rights & properties cannot be writ too plain.

That wth I have now further to add is that I far prefer thy first draught to this last, as being most equall, most faire, & most agreeing with the just

¹ This passage is very interesting if, as the language seems to imply, it proposed, at that early day, the prohibition of negro slavery in Pennsylvania. Unfortunately, Furly has failed to express himself clearly, and his handwriting adds to the obscurity of the passage. The words *in* and *directly* are separate, but it looks as if they were intended to form the one word "indirectly." His habit of leaving spaces between syllables of words of the entirety of which there can be no doubt supports this theory. The importance of the difference between *in directly* and *indirectly* will be seen at once. If no blacks were to be brought *directly in*, and if those coming from Virginia and Maryland in families that had owned them before removing to Pennsylvania were to be free in eight years, the provision was clearly an anti-slavery one. But if the passage means "Let no blacks be brought indirectly,"—that is, let none be brought in but those coming direct from Africa and sold into slavery, and if those from the neighboring provinces of Virginia and Maryland were to be free in eight years,—then the provision was simply one regulating the importation of slaves, and was in the interest of parties engaged in the African slave-trade. This was always a favorite occupation of the Dutch, but Furly's character would not lead us to suppose that he engaged in it. The erasure of the two words "or elsewhere" after Virginia and Maryland seems to imply that it was not Furly's intention to prohibit entirely the importation of slaves; or it is possible that they were struck out to avoid tautology, as they appear again in the next line.

The provision referred to in the West Jersey constitution is at present unknown to us, and if discovered may throw some light on Furly's intentions.—F. D. S.

wise, & prudent constitutions of our Ancestors. And most likely to keep us in a good, & fair Correspondence wth y^e Nation, wth, & y^e Interest thereof will stand, when that of a few corrupt & guilty Courtiers —will sink, &c—

Indeed I wonder who should put thee upon altering them for these, And as much how thou couldst ever yield to such a thing. Especially after thou wert so much satisfyed in them as to charge all thy children, & theirs, to love & preserve them as being y^e establishmt. of thee their father & Ancestor, as *the discharge of thy conscience to God the giver of this country to thee & them, & as they hope to keep it & his blessing upon it.*

As much do I wonder that any of the free holders that had subscribed y^m wth much clearness & satisfaction as the Ground & Rule of All future Laws, & Goverment, promising everyone for himself *that, by Gods assistance they would remember love & preserve y^m to the uttermost of their power, as fundamentals, inviolably, charging their posterity to do the same, as they hope to enjoy what they should leave them, & the blessing of God with it.*

Who has turned you aside from these good beginnings o establish things unsavory & unjust; as fundamentals to wth all Generations to come should be bound ?

The 3^d Constitution, wth gives the Assembly the power of making & abolishing all Laws, & whatsoever is the privilege of an English house of Commons, the power of determining how long, within their yeer to sit, Is more fair, & equall then the 29th [19] of y^e new frame, wth deprives them of both.

The 5th constitution that provides agt. any deputyes betraying his trust in Voting agt. his principals, or Electors, by obliging him to bring iustructions. Is in the new, without ground in my judgmt left out.

The 8th Constitution wth lodges but a consultative faculty in the Councill of 48. [upon] the bills & proposals of y^e Assembly, & then to propose their deliberations by way of conference to the Assembly.

Is much more faire & equall, in my mind, then the 5 & 7th of y^e new frame wth take from y^e Gen: Assembly, the whole faculty of proposing any bills, & lodges it solely in y^e provinciall Council. wth seems to be a divesting of the peoples representatives (in time to come) of y^e greatest right they have. & will lay morally a certain foundation for dissension amongst our successors. And render the patronizers of this new frame Obnoxious to future parliaments. For the people of England can never, by any prescription of time be dispossessed of that naturall right of propounding Laws to be made: by their representatives. Let us then in settling foundations avoid such precipices.

And let the Generall Assembly be restored to those powers & priviledges wth thy first constitutions do give it, & the Provinciall Council whether of 48. or 72, brought to its place, there allotted to it.

And if upon conference they cannot agree—Let those matters, w^{ch} can never be many, be reserved to y^e judgment of god, by Lott or, by the $\frac{2}{3}$ of the numbers of y^e provinciall Councill & Generall Assembly.

However I would not be misunderstood, as if I judged it absolutely necessary that now, at y^e beginning there should be an Assembly of 200, & a council of 72. For I know not but 72, may be a very competent number of Representatives for such a body of people as may be upon the place in our day. And consequently if y^e people did—once a yeare chuse 72 persons as their representatives after y^e first yeare (where all freeman may conveniently appear & vote for themselves) it might be enough.

But what I speak is with reference to future ages, when y^e very frame supposes it may be needfull to have 500 representatives; unto w^{ch} times this frame shal be as binding, as it is at this day, & whatsoever inconvenience may then [be] found in it, at that day, cannot be removed, without the consent of y^e Governor, who 500 yeare hence may be such a man, as y^e present Govern^r if he could help, would not allow the meanest office of Trust in the Goverm^t.

My earnest intreay then is that these foundations be not layd as unalterable, as they are, but onely to continue for a tearm of years or for y^e life of y^e present governor:

And then be alterable by $\frac{2}{3}$ of y^e 2 assemblies as above mentioned.

For to have a great nation bound up to have no laws but w^t two thirds of 72 men shall think fit to propound. Whereof but 24 shall be yearly chosen, & sit 3 years to be corrupted by a Governor who hath 3 Voyces, that is $\frac{1}{6}$ of y^e Quorum is not consistent wth the publick safety w^{ch} is, & always will remain, the supreme Law, & bring to certain destruction all y^e go about to make it Void.

I should like it much better that they were chosen every 3 months by the Generall Assembly or by the people, y^t so they might not be so liable to be corrupted by an ill minded, ambitios Governor, for such opportunities do present for mischief in 3 years that do not in 3/m. at lest their designs are not so easily brought to perfection in 3/m. as in 3/years.

Concerning Nomination of Judges &c—

Let y^e nomination of 2 be by the Gen. Assembly: & election of one by the Prov. Councill. w^{ch} is y^e safer way, then to hang the finall election upon one man w^{ch} if not good & vertuous may make an ill use of it and attract to himself bribers & flatterers w^{ch} I would never expose my posterity to—

Concerning y^e committees.

Let them all be subjected to the animadversions of y^e Gen. Assembly, especially those of Justice, & y^e treasury.

Finally, if this frame be continued, I desire at lest. That to y^e 6th Article be added the word Onely, & ye words No Negatives. To prevent

that most absurd interpretation of that Article, That because the Governor, has not in terminis renounced a right to a Negative Voice, or not said *Onely* a treble Voice, Therefore he has, to help him at a dead lift right to use a Negative when his treble Voice will not do.

That y^e Generall assembly have a right of proposing as well as y^e provinciall councill.

That to y^e 9th [19] Article be added these words (instead of *as may be*)
as they shall judg needfull to Impeach such criminalls as they shall judge fit.

That they have right to adjourn or prorogue themselves. And y^e Prov: Councill of calling them sooner, if need be.

That y^e 23. & 24 Articles of y^e frame & 1st & 3^d Laws—for ratification of them may be expunged. Because it binds our posterity forever, & gives the Governor a Negative Voice in these 2 grand cases of y^e provinciall & Generall Assembly (tho' some that have read y^m could not beleeve it)—1 And to secure liberty of conscience, 2 balletting in elections & Resolutions, 3 y^e way of tryalls, 4 gavelkind for succession of estates reall & personall, 5 marriages, 6 y^e Registry, 7 speedy justice, 8 Law in English, 9 property &c—may be establisht as fundamentals; w^h should be delivered to y^e supreme assembly to be onely conservators of, & y^e utmost penalty upon any that at any time in any councill should move for y^e alteration of any of them w^h will be all the security we can have, or desire—

LIBRARY OF CONGRESS



0 014 209 158 6